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09/183,717	10/30/1998	DAVID ALAN DESCH	080398.P162	3438

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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT PAPER NUMBER

2611

DATE MAILED: 07/28/2004

38

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/183,717

Applicant(s)

DESCH, DAVID ALAN

Examiner

Vivek Srivastava

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 6-48 and 67-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-48 and 67-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

*(1) Applicant argues that Pauley teaches away from the claimed limitation by teaching overlaying of the images for PIP.*

The Examiner respectfully disagrees. Pauley discloses of method of displaying two different images. Pauley fails to provide any advantages of PIP over displaying images at various locations in a non-overlapping manner. If Applicants can cite where Pauley points out advantages of PIP over other methods of simultaneous display, the Examiner urges Applicants to point out these citations in the subsequent response.

*(2) Applicant challenges the official notice taken in regards to simultaneous display on two portions of the display screen and the use of amplitude modulation, frequency modulation and phase modulation.*

In regards to the display on two portions, the Examiner cites Hamadate (see fig 4) and Chun (see fig 3). If applicant's are not satisfied with the references, an abundance of references teaching this limitation exist and can be provided per Applicant's request.

In regards to amplitude modulation, frequency modulation and phase modulation, the Examiner cites Palazzi, III et al. See col. 6 lines 7-17 and claim 15.

***Claim Rejections - 35 USC § 103***

**I.I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**II. Claims 6-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pauley and Schein et al. (Schein).**

Considering claim 6, Pauley discloses an apparatus and corresponding method for selecting at least two shows capable of being received and displayed by an entertainment system comprising: selecting for viewing, a first show associated with a first channel; displaying the first show; selecting for viewing, a second show associated with a second channel; and displaying the second show.

However, Pauley fails to specifically disclose receiving first and second user-specified show selections, displaying first and second plural sources for the first and second show selections, receiving first and second source selections, receiving first and second signals, and displaying first and second show selections respectively as recited in the claims.

Schein discloses a multi-source information television system for easily selecting channels from a combined program schedule comprising the steps of:

a1) receiving a first user show selection (col. 2, lines 44-46, col. 5, lines 39-45);

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b1) displaying a first plurality of sources for the first show selection (figure 3, col. 6, lines 8-16 and/or step 404, figure 4);

c1) receiving a first source selection (col. 6, lines 39-52 and/or step 406, figure 4);

d1) receiving a first signal identifying a selected source for the first user-specified show selection (col. 6, lines 39-52 and/or step 406, figure 4);

e1) displaying first show selection (col. 6, lines 39-52 and/or step 406 figure 4) and

a2) receiving a second user show selection (.e.g. a second show such as Casablanca from figure 2 and the procedure is the same as step a);

b2) displaying a second plurality of sources for the first show selection (figure 3, col. 6, lines 8-16 and/or step 404, figure 4);

c2) receiving a second source selection (col. 6, lines 39-52 and/or step 406, figure 4);

d2) receiving a second signal identifying a selected source for the second user-specified show selection (col. 6, lines 39-52 and/or step 406, figure 4);

e2) displaying a second show selection (col. 6, lines 39-52 and/or step 406, figure 4).

Schein's display system allows the user to select one or more shows from multiple occurrences of the same shows from various input sources (e.g. DBS, Cable, regular broadcast etc.). The advantage is that the user can select a desired source at a desired time for a particular show.

It would have been obvious to one of ordinary skill in the art to modify Pauley's system to include receiving first and second user-specified show selections, displaying first and second plural sources for the first and second show selections, receiving first and second source selections, receiving first and second signals and displaying first and second show selections respectively, as taught by Schein, for the advantage of enabling easy selection of desired shows at desired times from a combined list of multiple input sources.

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Pauley fails to disclose the claimed digital program sources. Schein teaches receiving signals from digital sources like DBS satellite, the Internet etc. (see col 2 lines 34 – 43). It would have been obvious to one skilled in the art to modify Schein to include the claimed limitation to provide higher quality digital programming with better resolution.

Pauley further fails to disclose displaying the first and second user show selections on portions of a display which differ. The Examiner Takes Official Notice it would have been well known in the art to simultaneously display two signals on differing portions of a display screen, i.e., to enable the complete display of both shows without obscuring one of the two shows.

Claim 10 is met by the combined systems of Pauley and Schein, wherein Pauley discloses the various input sources in col. 5, lines 16-18 and Schein discloses the various input sources throughout the entire reference including but not limited to col. 2, lines 25-43.

Claim 12 is met by the combined systems of Pauley and Schein, wherein Schein discloses loading programming data associated with the first user selected show selection and loading programming data associated with the second user specified show selection (see programming data in coordinator 14 in columns 3-4).

Claim 13 is met by the combined systems of Pauley and Schein, wherein Schein discloses that coordinator (13) includes CPU (26) and memory that serve as the devices for operating the system in col. 3, line 59 - col. 4, line 63. Note, the program schedule

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information or guide meets the claimed menu for selecting the first option grid or second option grid.

Considering claims 7-9, the combined systems of Pauley and Schein disclose an apparatus for receiving programming from plural sources such as from a satellite system, local broadcast or cable companies. However, they fail to specifically disclose first and second modulation techniques and that the first and second coding techniques are amplitude modulation, frequency modulation and phase modulation as recited in the claims.

The examiner takes Official Notice that it is notoriously well known in the art to implement amplitude modulation, frequency modulation and phase modulation for transmitting programs from a central station to terminals at user locations.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Pauley and Schein to include amplitude modulation, frequency modulation and phase modulation because these are well known transmission techniques used for broadcasting programs to viewers/subscribers.

Claim 11 is met by the combined systems of Pauley and Schein, wherein Pauley discloses various input sources in col. 5, lines 16-18 and Schein discloses various input sources in col. 2, lines 25-43.

Regarding Claims 14 and 15, the combined systems of Pauley and Schein, discloses a VCR (13) for recording a first, second or any number of shows throughout the reference including but not limited to column 6, lines 39-52 (see Schein). The combination of Pauley and Schein fails to disclose the claimed recording by a first

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recorder said first show and without record second show and recording by a second recorder sec second show without recording said first show. It would have been obvious to provide two records to simultaneously record and thus save time in recoding a plurality of programs.

As for claims 16-17 and 26-27, Pauley discloses an entertainment system comprising:

- a) a display monitor (12);
- b) a broadcast receiver coupled to the display monitor including:
  - (b1) a first front end unit (26) capable of receiving a first show;
  - (b2) a second front end unit (28) capable of receiving a second show;
  - (b3) a plurality of memory elements (col. 4, lines 7-39);
  - (b4) a central processing unit (50) coupled to the plurality of memory elements, wherein the central processing unit (50) selects one of the plurality of shows into the plurality of memory elements, processes each show separately and displays the plurality of shows continuously in a picture in picture format (columns 5-7).

However, Pauley fails to disclose receiving programming data associated with first and second show selections provided by first and second source selections from first and second plurality of sources displayed (respectively) as recited in the claims.

Schein discloses a multi-source information television system for receiving programming data associated with first and second show selections provided by first and second source selections from first and second plurality of sources displayed. Schein's display system allows the user to select one or more shows from multiple occurrences of the same shows from various input sources (e.g. DBS, Cable, regular



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broadcast etc.). The advantage is that the user can select a desired source at a desired time for a particular show.

It would have been obvious to one of ordinary skill in the art to modify Pauley's system to include receiving programming data associated with first and second show selections provided by first and second source selections from first and second plurality of sources displayed (respectively), as taught by Schein, for the advantage of enabling easy selection of desired shows at desired times from a combined list of multiple input sources.

Pauley fails to disclose the claimed digital program sources. Schein teaches receiving signals from digital sources like DBS satellite, the Internet etc. (see col 2 lines 34 – 43). It would have been obvious to one skilled in the art to modify Schein to include the claimed limitation to provide higher quality digital programming with better resolution.

Pauley further fails to disclose displaying the first and second user show selections on portions of a display which differ. The Examiner Takes Official Notice it would have been well known in the art to simultaneously display two signals on differing portions of a display screen, i.e., to enable the complete display of both shows without obscuring one of the two shows.

Claims 18 and 28 are met by the combined systems of Pauley and Schein, wherein Schein discloses an integrated receiver decoder (IRD) in column 3.

Claims 19-20 and 29-30 are met by the combined systems of Pauley and Schein, wherein Schein discloses that coordinator (13) includes CPU (26) and memory that serve as the devices for operating the system in col. 3, line 59 - col. 4, line 63.

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Considering claims 21-23 and 31-33, the combined systems of Pauley and Schein disclose an apparatus for receiving programming from plural sources such as from a satellite system, local broadcast or cable companies. However, they fail to specifically disclose first and second modulation techniques and that the first and second coding techniques are amplitude modulation, frequency modulation and phase modulation as recited in the claims.

The examiner takes Official Notice that it is notoriously well known in the art to implement amplitude modulation, frequency modulation and phase modulation for transmitting programs from a central station to terminals at user locations.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Pauley and Schein to include amplitude modulation, frequency modulation and phase modulation because these are well known transmission techniques used for broadcasting programs to viewers/subscribers.

Claims 24-25 and 34-35 are met by the combined systems of Pauley and Schein, wherein Pauley discloses the various input sources in col. 5, lines 16-18 and Schein discloses the various input sources throughout the entire reference including but not limited to col. 2, lines 25-43.

Claims 36-39, 41-48 are met by the combined systems of Pauley and Schein, as discussed above. wherein Schein discloses a monitor to display the first, second or any number of shows and a VCR (13) to concurrently record the first, second or any number of shows.

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Claim 40 is met by the combined systems of Pauley and Schein, wherein Schein discloses that the broadcast receiver is the combination of one or more of cable TV box, DBS box and coordinator receiver. A cable TV or DBS box inherently contains a decryption engine for decrypting premium programs provided by content providers.

Considering claims 67 - 69, the combination of Pauley and Schein fails to disclose the first signal uses a first modulation technique and the second signal uses a second modulation technique that is different from the first modulation technique. It would have been obvious modifying the combination of Pauley and Schein to include the claimed limitation would have provided a more flexible and universal system in which a plurality of modulation techniques could have been used thus also providing an added advantage to the broadcaster in which the broadcaster could use a modulation technique of choice knowing that the user's receiver could receive a plurality of different modulation techniques.

Claims 70 – 73 are met by that discussed above.

Considering claim 74, Pauley discloses the claimed television receiver (see col 5 lines 31 – 54).

Considering claim 75, the combination of Pauley and Schein disclose the claimed IRD, where Schein discloses an IRD (see col 3 lines 4-16).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this final action should be mailed to:

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for formal communications; please mark  
"EXPEDITED PROCEDURE")

**Or:**

(703) 872-9314 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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**from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305-4038. The examiner can normally be reached on Monday-Friday from 9:00am to 5:00 pm.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306 0377.

**Vivek Srivastava  
Primary Examiner**

**7/24/04**



**VIVEK SRIVASTAVA  
PRIMARY EXAMINER**